

Appl. No. : 10/814,416
Filed : March 31, 2004

REMARKS

By way of summary, Claims 1-24 were originally filed in the present application. Claims 25-28 were added and Claim 14 was canceled by previous amendment. Claims 1, 8, 11, 16, 18, 21, 27, and 28 have been amended herein. Claims 29-31 have been added herein. Accordingly, Claims 1-13 and 15-31 are pending.

Amendments to the claims set forth above include markings to show the changes by way of the present amendment, deletions being in strikeout (e.g., ~~strikeout~~) and additions being underlined (e.g., underlined).

Claim Objections

The Examiner objected to Claim 27 as improperly depending from Claim 12. Claim 27 has been amended to now depend from Claim 11. The claim amendment is not related to patentability. Applicant respectfully requests that the objection be withdrawn.

Claims 18-20 are allowable over Takahashi

Claims 18-20 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,873,755 to Takahashi et al. ("Takahashi"). In view of the following comments, Applicant respectfully submits that the pending claims are in condition for allowance.

Amended Claim 18 recites:

An outboard motor comprising an internal combustion engine, and a cowling surrounding the engine, the cowling comprising a top cowling member and a bottom cowling member, the engine being disposed primarily above the bottom cowling member, the top cowling member detachably affixed to the bottom cowling member, the engine having an air intake device, the cowling comprising an external wall portion and an internal wall portion together defining an airflow space through which air flows, the airflow space being coupled to the air intake device when the top cowling member is attached to the bottom cowling member, the cowling defines a cavity that is sized to accommodate the engine, the cowling comprises a partition dividing the airflow space into at least first and second airflow spaces, the external or internal wall portion has a first duct through which the first airflow space communicates with the cavity, and a second duct comprising a bottom opening and an upper opening being positioned higher than the bottom opening, an elongated body of the second duct extending between the

Appl. No. : 10/814,416
Filed : March 31, 2004

bottom opening and the upper opening and through which the cavity communicates with the second airflow space, the bottom opening of the second duct is positioned higher than a bottom opening of the first duct, a flow path for intake air flow, the flow path extends from the first airflow space, through the first duct, through the cavity, and then extends through the second duct into the second airflow space such that air in the second airflow space is drawn into the engine for combustion.

Takahashi does not teach or suggest each and every limitation of amended Claim 18. For example, Takahashi does not teach or suggest, *inter alia*, a flow path for intake air flow, the flow path extends from the first airflow space, through the first duct, through the cavity, and then extends through the second duct into the second airflow space such that air in the second airflow space is drawn into the engine for combustion. Takahashi discloses intake vents 190 provided on each side of the cowling 30, and the vents 190 lead into the intake chamber 180. Col. 7, lines 10-12; see, Figure 6. Air from the intake chamber 180 flows through the air intake passage 194 and ultimately flows to the engine 22. In contrast to the cowling structure recited by Claim 18, Takahashi discloses an upwardly extending port 210 leading into the exhaust chamber 182. Exhausts gases pass through the port 210 and the exhaust chamber 182. Thus, the port 210 does not define a flow path for intake air flow.

Dependant Claims 19 and 20 are patentably distinguished over the cited references for at least the reasons noted above with respect to Claim 18, as well as for novel and non-obvious features recited therein. Thus, Claims 18-20 are in condition for allowance.

Claim 28 is allowable over Hashimoto

Claim 28 stands rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,968,276 to Hashimoto. In view of the following comments, Applicant respectfully submits that Claim 28 is in condition for allowance.

Amended Claim 28 recites:

An outboard motor comprising an internal combustion engine and a cowling surrounding the engine, the cowling comprising an external wall portion and an internal wall portion together defining an airflow space through which atmospheric air flows, at least one of the external and internal wall portions having at least one cooling fin projecting into the airflow space, the internal wall portion and the external wall portion are each substantially made from nonferrous material, the cowling having an inlet port through which atmospheric air outside

Appl. No. : 10/814,416
Filed : March 31, 2004

of the outboard motor enters the airflow space so as to flow over the at least one cooling fin, and at least one outlet port through which a substantial portion of said atmospheric air from the inlet port exits to an external location of the cowling.

The cited reference fails to disclose each and every limitation of Claim 28. In contrast to Claim 28, Hashimoto has inlets 29, 36 that permit air flow to an upwardly extending air inlet means. See, e.g., col. 2, lines 48-50. Thus, Hashimoto does not teach or suggest, *inter alia*, that the cowling has an inlet port through which atmospheric air outside of the outboard motor enters the airflow space so as to flow over the at least one cooling fin, and at least one outlet port through which a substantial portion of said atmospheric air from the inlet port exits to an external location relative to the cowling. Hence, Claim 28 is in condition for allowance.

Claims 1-7, 9, 10, 12, 13, 15, 25, and 27 are allowable over cited references

Claims 1-6, 9, 10, 12, 13, 15, 25 and 27 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,445,547 to Furukawa in view of U.S. Patent No. 6,099,371 to Nozawa et al. ("Nozawa"). Claim 7 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Furukawa and Nozawa further in view of U.S. Patent No. 5,360,358 to Haman. In view of the following comments, Applicant respectfully submits that the pending claims are in condition for allowance.

Amended independent Claim 1 recites:

An outboard motor comprising a housing unit adapted to be mounted on an associated watercraft, an internal combustion engine disposed on the housing unit, and a cowling surrounding the engine, the cowling having a first inlet port through which atmospheric air outside of the outboard motor enters inside of the cowling, a second inlet port through which atmospheric air outside of the outboard motor enters the inside of the cowling, at least one outlet port through which a substantial portion of said atmospheric air from the second inlet port exits to an external location of the cowling, and a partition that separates the air that has entered through the second inlet port from the air entering through the first inlet port, the cowling substantially being made of a nonferrous metal.

Furukawa and Nozawa, alone and in combination, fail to teach or suggest each and every limitation of Claim 1. In contrast to the cowling structure recited by Claim 1, Furukawa discloses an air intake port 23 for providing air flow to the engine 5, as shown in Figure 1 of Furukawa. The engine 5 uses the air for combustion. Similarly, Nozawa discloses an air inlet 68

Appl. No. : 10/814,416
Filed : March 31, 2004

that provides air to the engine 26 for combustion. Thus, Furukawa and Nozawa, alone and in combination, fail to teach or suggest, *inter alia*, a second inlet port through which atmospheric air outside of the outboard motor enters inside of the cowling and at least one outlet port through which a substantial portion of said atmospheric air from the second inlet port exits to an external location relative to the cowling. Thus, because the cited references, alone and in combination, do not teach or suggest each and every limitation, amended Claim 1 is in condition for allowance.

Claims 2-7, 9, 10, 12, 13, 15, and 25 are patentably distinguished over the cited references for at least the reasons with respect to Claim 1 as well as for novel and nonobvious features recited therein. Claim 27 has been amended to now depend from Claim 11. Claim 27 is patentably distinguished over the cited references for at least the reasons with respect to Claim 11 discussed below, as well as on its own merit. Thus, Claims 1-7, 9, 10, 12, 13, 15, 25, and 27 are in condition for allowance.

Claim 8 is allowable over cited references

Claim 8 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Takahashi in view of Nozawa. In view of the following comments, Applicant respectfully submits that the pending Claim 8 is in condition for allowance.

Amended independent Claim 8 recites:

An outboard motor comprising a housing unit adapted to be mounted on an associated watercraft, an internal combustion engine disposed on the housing unit, and a cowling surrounding the engine, the cowling having a first inlet port through which atmospheric air outside the outboard motor enters inside of the cowling, the cowling substantially being made of a nonferrous metal, the cowling comprises an external wall portion and an internal wall portion together defining an airflow space, and at least one of the external wall portion and the internal wall portions has at least one projection extending into the airflow space, the cowling additionally comprises a partition dividing the airflow space into at least first and second airflow spaces, the first airflow space communicates with the first inlet port, the second airflow space has a second inlet port and an outlet port, atmospheric air outside the outboard motor enters the second airflow space through the second inlet port and a substantial portion of said atmospheric air from said second inlet port exits to an external location of the cowling through the outlet port.

Takahashi and Nozawa, alone and in combination, fail to teach or suggest each and every limitation of Claim 8. For example, the cited references fail to teach or suggest, among other

Appl. No. : 10/814,416
Filed : March 31, 2004

elements, that atmospheric air outside the outboard motor enters the second airflow space through the second inlet port and a substantial portion of said atmospheric air from said second inlet port exits to an external location relative to the cowling through the outlet port. In contrast to the structure recited by Claim 8, the cited inlet 190 of Takahashi provides air to the engine 22. The engine 22 uses the air for combustion. Nozawa does not disclose any additional structure to makeup for the disclosure deficiencies of Takahashi. Thus, because the cited references, alone and in combination, do not teach or suggest each and every limitation, amended Claim 8 is in condition for allowance.

Claims 11 and 26 is allowable over cited references

Claims 11 and 26 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Takahashi in view of Nozawa. In view of the following comments, Applicant respectfully submits that the pending Claims 11 and 26 are in condition for allowance.

Amended independent Claim 11 recites:

An outboard motor comprising a housing unit adapted to be mounted on an associated watercraft, an internal combustion engine disposed on the housing unit, and a cowling surrounding the engine, the cowling having a first inlet port through which atmospheric air enters inside of the cowling, the cowling substantially being made of a nonferrous metal, the cowling comprises an external wall portion and an internal wall portion together defining an airflow space, at least one of the external wall portion and the internal wall portions has at least one projection extending into the airflow space, the air entering through the first inlet port communicates with the engine through the airflow space, the cowling defines a cavity below the airflow space that is sized to accommodate the engine, the cowling additionally comprises a partition dividing the airflow space into at least first and second airflow spaces, the second airflow space communicates with the engine, the external or internal wall portion has a first duct through which the first airflow space communicates with the cavity, and a second duct comprising a bottom opening and an upper opening positioned higher than the bottom opening, an elongated body of the second duct extending between the bottom opening and the upper opening and through which the cavity communicates with the second airflow space, and the bottom opening of the second duct is positioned higher than a bottom opening of the first duct, a flow path for intake air flow, the flow path extends from the first airflow space, through the first duct, through the cavity, and then extends through the second duct into the second airflow space such that air in the second airflow space is drawn into the engine for combustion.

Appl. No. : 10/814,416
Filed : March 31, 2004

Takahashi and Nozawa, alone and in combination, fail to teach or suggest each and every limitation of Claim 11. The cited references do not teach or suggest, *inter alia*, a flow path for intake air flow, the flow path extends from the first airflow space, through the first duct, through the cavity, and then extends through the second duct into the second airflow space such that air in the second airflow space is drawn into the engine for combustion. Takahashi discloses intake vents 190 provided on each side of the cowling 30, and the vents 190 lead into the intake chamber 180. Col. 7, lines 10-12; see, Figure 6. Air from the intake chamber 180 flows through the air intake passage 194 and ultimately flows to the engine 22. In contrast to Claim 11, Takahashi discloses an upwardly extending port 210 leading into the exhaust chamber 182. Exhausts gases pass through the port 210 and the exhaust chamber 182. Thus, the port 210 does not define a flow path for intake air flow.

Thus, because the cited references, alone and in combination, do not teach or suggest each and every limitation, amended Claim 11 is in condition for allowance. Claim 26 is patentably distinguished over the cited references for at least the reasons with respect to Claim 11, as well as for novel and nonobvious features recited therein. Thus, Claims 11 and 26 are in condition for allowance.

Claims 16 and 17 are allowable over cited references

Claims 16 and 17 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Furukawa in view of Hashimoto. In view of the following, Applicant respectfully submits that the claims are in condition for allowance.

Amended Claim 16 recites:

An outboard motor comprising an internal combustion engine and a cowling surrounding the engine, the cowling comprising an external wall portion and an internal wall portion together defining an airflow space through which atmospheric air flows, at least one of the external and internal wall portions having at least one cooling fin projecting into the airflow space, the cowling having a first inlet port through which atmospheric air outside of the outboard motor enters inside of the cowling, the cowling comprises a second inlet port through which atmospheric air outside of the outboard motor enters the inside of the cowling, an outlet port through which a substantial portion of said atmospheric air from the second inlet port exits to an external location of the cowling, and a partition that separates the air that has entered through the second inlet port from the air entering through the first inlet port.

Appl. No. : 10/814,416
Filed : March 31, 2004

Furukawa and Hashimoto, alone and in combination, do not teach or suggest each and every limitation of amended Claim 16. The cited references do not teach or suggest, among other elements, a second inlet port, through which atmospheric air outside of the outboard motor enters the inside of the cowling, and an outlet port, through which a substantial portion of the atmospheric air from the second inlet port exits to an external location relative to the cowling. In contrast to the cowling structure recited in Claim 16, Furukawa discloses an air intake port 23 for providing air flow to the engine 5, as shown in Figure 1 of Furukawa. The engine 5 uses the air for combustion. Similarly, Hashimoto discloses inlets 29, 36 that provide air flow to an engine for combustion. Thus, Furukawa and Hashimoto, alone and in combination, fail to teach or suggest each and every limitation of Claim 16. Claim 17 is patentably distinguished over the cited references for at least the reasons with respect to Claim 16 as well as for novel and nonobvious features recited therein. Thus, Claims 16 and 17 are in condition for allowance.

Claims 21-24 are allowable over cited references

Claims 21 and 22 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Takahashi in view of Nozawa. Claims 23 and 24 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Takahashi and Nozawa and further in view of Hashimoto. In view of the following, Applicant respectfully submits that the claims are in condition for allowance.

Amended Claim 21 recites:

A cowling for an outboard motor having an internal combustion engine comprising a body that is adapted to surround the engine, the body having an opening through which the engine is capable to pass, the body being made of a nonferrous metal, the body having a first inlet port through which atmospheric air outside of the outboard motor enters inside of the body, a second inlet port through which atmospheric air outside of the outboard motor enters the inside of the body, an outlet port through which a substantial portion of said atmospheric air from the second inlet port exits to an external location of the body, and a partition that separates the air that has entered through the first inlet port and air flowing to the outlet port.

Takahashi and Nozawa, alone and in combination, do not teach or suggest each and every limitation of amended Claim 21. For example, the cited references do not teach or suggest,

Appl. No. : 10/814,416
Filed : March 31, 2004

among other elements, a second inlet port through which atmospheric air outside of the outboard motor enters the inside of the body, an outlet port through which a substantial portion of said atmospheric air from the second inlet port exits to an external location relative to the body, and a partition that separates the air that has entered through the first inlet port and air flowing to the outlet port. These structural features simply are not disclosed by the applied references. Claims 22-24 are patentably distinguished over the cited references for at least the reasons with respect to Claim 21 as well as for novel and nonobvious features recited therein. Thus, Claims 21-24 are in condition for allowance.

New Claims

Claims 29-31 have been added. These claims are fully supported by the application as filed. Accordingly, no new matter has been added by this amendment. Applicant respectfully submits that these claims are patentable over the cited references. Consideration of new Claims 29-31 is respectfully requested.

Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding *Office Action* are inapplicable to the present claims. Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole. Applicant has not presented arguments concerning whether the applied references can be properly combined in view of the clearly missing elements noted above, and Applicant reserves the right to later contest whether a proper motivation or suggestion exists to combine these references. Applicant respectfully disagrees with the characterization of the references set forth in the *Office Action* and with the rejection of at least some of the previously pending Claims. Nevertheless, to expedite the issuance of the other pending claims, Applicant has amended some of the claims to more clearly define the subject matter of these claims, which cited references fail to disclose. For brevity, Applicant has not addressed individually the rejections of all of the dependent claims because each dependent claim is patentable for at least the reasons noted with

Appl No. : 10/814,416
Filed : March 31, 2004

respect to the respective independent base claims. Thus, Applicant has not acquiesced to the Examiner's rejections of the dependent claims in this response.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

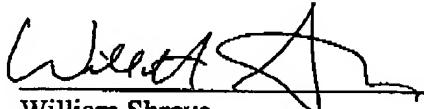
Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 23, 2006

By:



William Shreve
Registration No. 35,678
Attorney of Record
Customer No. 20,995
(949) 760-0404

2094606
112505